

Panaji, 10th October, 2002 (Asvina 18, 1924)

SERIES I No. 28

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 27 dated 3-10-2002, namely, Extraordinary dated 8-10-2002 from pages 743 to 744 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).

Department of Law & Judiciary

Legal Affairs Division

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Cooperative Societies
and ex officio Jt. Secretary**Notification**

45-4-/19/TS/RCS

The Notification No. GSR.571(E) dated 16-8-2002 published in Extraordinary Gazette of India No. 376 dated 16-8-2002 is reproduced herebelow for publication of the same in local official Government Gazette for information of public.

P. K. Patidar, Registrar of Coop. Societies and
Ex-Officio Jt. Secretary.

Panaji, 26th September, 2002.

"MINISTRY OF AGRICULTURE**(Department of Agriculture and Co-operation)***New Delhi, the 16th August, 2002.***Notification**

G.S.R. 571(E).— In exercise of the powers conferred by Sub-section (3) of Section 1 of the Multi-State Co-operative Societies Act, 2002 (39 of 2002), the Central Government hereby appoints the 19th day of August, 2002, as the date on which the said Act shall come into force.

(FNo.L-110012/3/2002-L&M)
K. S. BHORIA, Jt. Secy."

Notification

10/4/99-LA/(Vol.III) (PF)

The Electricity Regulatory Commissions (Amendment) Act, 2001 (Central Act No. 21 of 2001), which has been passed by the Parliament and assented to by the President of India on 29-8-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 29-8-2001, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 21st August, 2002.

**THE ELECTRICITY REGULATORY
COMMISSIONS (AMENDMENT)
ACT, 2001**

AN

ACT

to amend the Electricity Regulatory Commissions Act, 1998.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Electricity Regulatory Commissions (Amendment) Act, 2001.

2. *Amendment of section 2.*— In the Electricity Regulatory Commissions Act, 1998 (hereinafter referred to as the principal Act), in section 2,—

14 of 1998.

(a) in clause (c), for the words "or the State Commission", the words "or the State Commission or the Joint Electricity Regulatory Commission" shall be substituted;

(b) after clause (e), the following clause shall be inserted, namely:—

'(ea) "Joint Electricity Regulatory Commission" means the Joint Electricity Regulatory Commission constituted under section 21A;'

3. *Insertion of new Chapter IVA.*— After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IV A

Joint Electricity Regulatory Commission

21A. *Constitution of Joint State Commission.*—

(1) Notwithstanding anything contained in this Act, an agreement may be entered into—

(a), by two or more State Governments,

(b) by the Central Government (in respect of one or more Union Territories) and one or more State Governments,

to be in force for such period and to be subject to renewal for such further period, if any, as may be specified in the agreement to provide for the constitution of a Joint Electricity Regulatory Commission,—

(i) in a case referred to in clause (a), for all the participating States; and

(ii) in a case referred to in clause (b), for the participating Union territory or Union territories and the State or States.

(2) The Joint Electricity Regulatory Commission shall consist of one Member from each of the participating States and Union territories and the Chairperson shall be appointed from amongst the members by consensus, failing which by rotation.

(3) An agreement under sub-section (1) shall contain provisions as to the name of the Joint Electricity Regulatory Commission, the manner in which the participating States may be associated in the selection of the Chairperson and Members of the Joint Electricity Regulatory Commission, manner of appointment of Chairperson and Members by consensus, failing

which by rotation, places at which the Commission shall sit, apportionment among the participating States of the expenditure in connection with the Joint Electricity Regulatory Commission and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

21B. *Special provision relating to giving of directions.*— Notwithstanding anything contained in this Act, where any Joint Electricity Regulatory Commission is constituted under section 21A,—

(a) the Government of the State for which the Joint Electricity Regulatory Commission is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;

(b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertains to a Union territory if the participating Governments fail to reach an agreement or the participating States or majority of them request the Central Government to issue such directions."

4. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that in States or Union territories where Joint Electricity Regulatory Commission has been constituted, such Joint Electricity Regulatory Commission shall determine different tariff for each of the participating States or Union territories."

Notification

10/4/99-LA (Vol.III) (PF)

The Registration and Other Related Laws (Amendment) Act, 2001 (Act No. 48 of 2001), which has been passed by the Parliament and assented to by the President of India, on 24-9-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-9-2001, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 21st August, 2002.

THE REGISTRATION AND OTHER RELATED LAWS (AMENDMENT) ACT, 2001

AN

ACT

further to amend the Registration Act, 1908, the Transfer of Property Act, 1882 and the Indian Stamp Act, 1899.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title.*— This Act may be called the Registration and Other Related Laws (Amendment) Act, 2001.

CHAPTER II

Amendment of the Registration Act, 1908

2. *Insertion of new section 16A.*— In the Registration Act, 1908 (hereafter in this Chapter referred to as the Registration Act), after section 16, the following section shall be inserted, namely:—

"16A. *Keeping of books in computer floppies, diskettes, etc.*— (1) Notwithstanding anything contained in section 16, the books provided under sub-section (1) of that section may also be kept in computer floppies or diskettes or in any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector-General with the sanction of the State Government.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under sub-section (1) given by the registering officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section (5) of that section."

3. *Amendment of section 17.*— In section 17 of the Registration Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said section 53A."; 4 of 1882.

(b) in sub-section (2), in clause (v), for the opening words "any document", the words, brackets, figure and letter "any document other than the documents specified in sub-section (1A)" shall be substituted.

4. *Amendment of section 30.*— In section 30 of the Registration Act, sub-section (2) shall be omitted.

5. *Insertion of new section 32A.*— After section 32 of the Registration Act, the following section shall be inserted, namely:—

"32A. *Compulsory affixing of photograph, etc.*— Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document."

6. *Amendment of section 49.*— In section 49 of the Registration Act, in the proviso, the words, figures and letter "or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882," shall be omitted. 4 of 1882.

7. *Amendment of section 52.*— In section 52 of the Registration Act, in sub-section (1), in

clause (a), after the words "and place of presentation", the words, figures and letter "the photographs and fingerprints affixed under section 32A" shall be inserted.

8. *Omission of section 67.*— Section 67 of the Registration Act shall be omitted.

9. *Amendment of section 69.*— In section 69 of the Registration Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

"(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;"

CHAPTER III

Amendment of the Transfer of Property Act, 1882

10. *Amendment of section 53A of Act 4 of 1882.*— In section 53A of the Transfer of Property Act, 1882, the words "the contract, though required to be registered, has not been registered, or," shall be omitted.

CHAPTER IV

Amendment of the Indian Stamp Act, 1899

11. *Amendment of Schedule I of Act 2 of 1899.*— In Schedule I to the Indian Stamp Act, 1899,—

(a) Under column heading "Description of Instrument", in article No. 23, in *Exemption*, the portion beginning with the words "Assignment of Copyright" and ending with the word and figure "section 5." Shall be numbered as clause (a) thereof, and after clause (a) as so numbered, the following clause shall be inserted, namely:—

"(b) for the purpose of this article, the portion of duty paid in respect of a document falling under article No. 23A shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction in any union territory under this article.";

(b) after article No. 23 and the entries relating thereto, the following article No. and the entries shall be inserted, namely:—

Description of Instrument	Proper Stamp-duty
"23A. CONVEYANCE IN THE NATURE OF PART PERFORMANCE Contracts for the transfer of immovable property in the nature of part performance in any union territory under section 53A of the Transfer of Property Act, 1882.	Ninety per cent of the duty as a Conveyance (No. 23)." 4 of 1882.

12. *Saving.*— Notwithstanding anything contained in sections 6 and 10, any—

(a) right of a transfer or any person claiming under him debarred under section 53A of the Transfer of Property Act, 1882 immediately before the commencement of this Act shall remain so debarred as if section 10 had not come into force in respect of such right; and

(b) unregistered document relating to the right referred to in clause (a) may be received as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 as if section 6 had not come into force in respect of such document.

Notification

10/4/99-LA(Vol.III) (PF)

The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001 (Act No. 38 of 2001), which has been passed by the Parliament and assented to by the President of India on 6-9-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 7-9-2001, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 21st August, 2002.

THE GOVERNMENT OF UNION TERRITORIES
AND THE GOVERNMENT OF NATIONAL
CAPITAL TERRITORY OF DELHI
(AMENDMENT) ACT, 2001

AN

ACT

further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

Amendments to the Government of Union Territories Act, 1963

2. *Amendment of section 23.*— In section 23 of the Government of Union Territories Act, 1963 (hereinafter 20 of 1963, referred to as the principal Act), in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

“(e) the receipt of money on account of the Consolidated Fund of the Union territory or the public account of the Union territory or the custody or issue of such money or the audit of the accounts of the Union territory.”.

3. *Amendment of section 47.*— In section 47 of the principal Act, for the words “all loans advanced to the Union territory from the Consolidated Fund of India”, the words “all loans advanced to the Union territory from the Consolidated Fund of India and all loans raised by the Government of India or the Administrator of the Union territory upon the security of the

Consolidated Fund of the Union territory” shall be substituted.

4. *Insertion of new section 47A.*— After section 47 of the principal Act, the following section shall be inserted, namely:—

‘47A. *Public Account of the Union territory and moneys credited to it.*— (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Administrator shall be credited to a Public Account entitled “the Public Account of the Union territory”

(2) The custody of public moneys, other than those credited to the Consolidated Fund of the Union territory or the Contingency Fund of the Union territory, received by or on behalf of the Administrator, their payment into the Public Account of the Union territory and the withdrawal of moneys from such account and all other matters connected with or ancillary to the aforesaid matters shall be regulated by rules made by the Administrator with the approval of the President.’.

5. *Insertion of new sections 48A and 48B.*— After section 48 of the principal Act, the following sections shall be inserted, namely:—

“48A. *Borrowing upon the security of the Consolidated Fund of the Union territory.*— (1) The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Union territory within such limits, if any, as may, from time to time, be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed:

Provided that the powers exercisable by the Government of India under this sub-section shall also be exercisable by the Administrator subject to such conditions, if any, as the Government of India may think fit to impose.

(2) Any sums required for the purpose of invoking a guarantee shall be charged on the Consolidated Fund of the Union territory.

48B. *Form of accounts of the Union territory.*— The accounts of the Union territory shall be kept in such form as the Administrator may, after obtaining advice of the Comptroller and Auditor-General of India and with the approval of the President, prescribe by rules.”.

CHAPTER III

Amendments to the Government of National Capital Territory of Delhi Act, 1991

6. *Amendment of section 22.*— In section 22 of the Government of National Capital Territory of Delhi Act, 1991 ^{1 of 1992.} (hereinafter referred to as the principal Act), in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

"(e) the receipt of money on account of the Consolidated Fund of the Capital or the Public Account of the Capital or the custody or issue of such money or the audit of the accounts of the Capital:".

7. *Amendment of section 46.*— In section 46 of the principal Act, for the words "all loans advanced to the Capital from the Consolidated Fund of India", the words "all loans advanced to the Capital from the Consolidated Fund of India and all loans raised by the Government of India or by the Lieutenant Governor upon the security of the Consolidated Fund of the Capital" shall be substituted.

8. *Insertion of new section 46A.*— After section 46 of the principal Act, the following section shall be inserted, namely:—

'46A. *Public Account of the Capital and moneys credited to it.*— (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Lieutenant Governor shall be credited to a public account entitled "the Public Account of the Capital".

(2) The custody of public moneys, other than those credited to the Consolidated Fund of the Capital or the Contingency Fund of the National Capital Territory of Delhi, received by or on behalf of the Lieutenant Governor, their payment into the Public Account of the Capital and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by rules made by the Lieutenant Governor with the approval of the President.'.

9. *Insertion of new sections 47A and 47B.*— After section 47 of the principal Act, the following sections shall be inserted, namely:—

"47A. *Borrowing upon the security of the Consolidated Fund of the Capital.*— (1) The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Capital, within such limits, if any, as may from time to time be fixed

by Parliament by law and to the giving of guarantee within such limits, if any, as may be so fixed:

Provided that the powers exercisable by the Government of India under this sub-section shall also be exercisable by the Lieutenant Governor subject to such conditions, if any, as the Government of India may think fit to impose.

(2) Any sums required for the purpose of invoking a guarantee shall be charged on the Consolidated Fund of the Capital.

47B. *Form of accounts of the Capital.*— The accounts of the Capital shall be kept in such form as the Lieutenant Governor may, after obtaining advice of the Comptroller and Auditor-General of India and with the approval of the President, prescribe by rules."

Notification

10/4/99-LA/Vol. IV

The Representation of the People (Amendment) Ordinance, 2002 (Ordinance No. 4 of 2002), which has been promulgated by the President in the Fifty-third Year of the Republic of India and published in the Gazette of India, Extraordinary, PART II, Section-1, No. 52, dated 24-8-2002, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 30th September, 2002.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th August, 2002/Bhadra
2, 1924 (Saka)

The Representation of the People (Amendment)
Ordinance, 2002

No. 4 of 2002

Promulgated by the President in the Fifty-third
Year of the Republic of India.

An Ordinance further to amend the
Representation of the People Act, 1951.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 2002.

(2) Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall come into force at once.

2. *Insertion of new section 33A.*— After section 33 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"33A. *Right to information.*— (1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) of section 33, also furnish the information as to whether—

(i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;

(ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(2) The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1).

(3) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered."

3. *Insertion of new section 33B.*— After section 33A of the principal Act as so inserted, the following section shall be inserted and shall be

deemed to have been inserted with effect from the 2nd day of May, 2002, namely:—

"33B. *Candidate to furnish information only under the Act and the rules.*— Notwithstanding anything contained in any judgment, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder."

4. *Insertion of new Chapter VIIA.*— In Part V of the principal Act, after Chapter VII, the following Chapter shall be inserted, namely:—

'CHAPTER VIIA

Declaration of Assets and Liabilities

75A. *Declaration of assets and liabilities.*— (1) Every elected candidate for a House of Parliament or the Legislature of a State shall, within ninety days from the date on which he makes and subscribes an oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution, for taking his seat in either House of Parliament or in the Legislative Assembly of a State or the Legislative Council of a State, as the case may be, furnish the information, relating to—

(i) the movable and immovable property of which he is the owner or a beneficiary;

(ii) his liabilities to any public financial institution; and

(iii) his liabilities to the Central Government or the State Government,

to the Chairman of the Council of States or the Speaker of the House of the People or the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State, as the case may be.

(2) The information under sub-section (1) shall be furnished in such form and in such manner as may be prescribed in the rules made under sub-section (3).

(3) The Chairman of the Council of States or the Speaker of the House of the People or the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State, as the case may be, may make rules for the purposes of sub-section (2).

(4) The rules made by the Chairman of the Council of States or the Speaker of the House of the People or, as the case may be, by the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State under sub-section (3) shall be laid, as soon as may be after they are made, before the Council of States or the House of the People or the Legislative Council or the Legislative Assembly, as the case may be, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council of States or the House of the People or the Legislative Council or the Legislative Assembly and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(5) The Chairman of the Council of States or the Speaker of the House of the People or, as the case may be, the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State may direct that any wilful contravention of the rules made under sub-section (3) by an elected candidate referred to in sub-section (1) may be dealt with in the same manner as a breach of privilege of the Council of States or the House of the People or the Legislative Council or the Legislative Assembly, as the case may be.

Explanation.— For the purposes of this section,—

(i) "immovable property" means the land and includes any building or other structure attached to the land or permanently fastened to anything which is attached to the land;

(ii) "movable property" means any other property which is not the immovable property and includes corporeal and incorporeal property of every description;

(iii) "public financial institution" means a public financial institution within the meaning of section 4A of the Companies Act, 1956 and includes 1 of 1956. bank; and

(iv) "bank" referred to in clause (iii) means—

(a) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955; 23 of 1955.

(b) "subsidiary bank" having the meaning assigned to it in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.

(c) "Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976; 21 of 1976.

(d) "corresponding new bank" having the meaning assigned to it in clause (da) of section 5 of the Banking Regulation Act, 1949; and 10 of 1949.

(e) "co-operative bank" having the meaning assigned to it in clause (cci) of section 5 of the Banking Regulation Act, 1949 as modified by 10 of 1949. sub-clause (i) of clause (c) of section 56 of that Act.

5. *Insertion of new section 125A.*— After section 125 of the principal Act, the following section shall be inserted, namely:—

"125A. *Penalty for filing false affidavit, etc.*— A candidate who himself or through his proposer, with intent to be elected in an election,—

(i) fails to furnish information relating to sub-section (1) of section 33A; or

(ii) gives false information which he knows or has reason to believe to be false; or

(iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

6. *Amendment of section 169.*— In section 169 of the principal Act, in sub-section (2), clause (a) shall be renumbered as clause (aa) thereof, and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

"(a) the form of affidavit under sub-section (2) of section 33A;"

A. P. J. ABDUL KALAM,
President.

SUBHASH C. JAIN
Secy. to the Govt. of India.